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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit 1761

Attorney Docket No.: S 102-01  
In re Patent Application of: Jeffrey M. Babicz  
Serial No.: 10/689,583  
Filing Date: October 22, 2003  
For: Chocolate Processing Machine  
  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Notification of International Search Report in Corresponding PCT Application

Dear Madam or Sir:

A PCT Application corresponding to the instant application was filed on October 5, 2004 under Serial No. PCT/US2004/032,685.

Applicant has received Notification of Transmittal of the International Search report. A copy of the International Search Report is attached. Applicant requests that this report and the references cited therein be made of record in the File History of the instant application and that the Examiner give the references cited the same attention as any other references that would come to the attention of the Examiner.

Also attached is a copy of the Article 19 Amendment filed in response to the International Search Report.

Respectfully submitted,

Jeffrey M. Babicz

By

  
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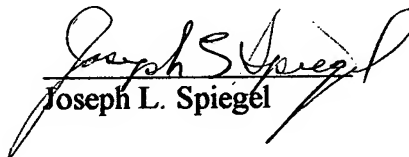
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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8 (A)**

I hereby certify that the above mentioned items are being deposited with the United States Postal Service as first class mail in an envelope addresses to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2005.

  
Joseph L. Spiegel

Applicant: ChocoVision Corporation, et al

Attorney Docket No. S 102-09

International Application Serial No.:

Re: Article 19 Amendment

PCT/US2004/032685

Date: 20 October 2004

International Filing Date:  
05 October 2004

Priority Date:  
22 October 2003

Title: Chocolate Processing Machine

International Bureau of WIPO  
34, Chemin des Colombettes  
1211 Geneva, Switzerland

Dear Madam or Sir:

This in response to the International Search Report mailed 01 March 2005. Pursuant to Article 19, and without prejudice to their later re-introduction in independent form, claims 6 and 11 are being amended.

Claims 1 through 5, 7 through 10 and 12 are unchanged. Claims 6 and 11 have been amended so as to be dependent on claim 1.

Copies of claims 6 and 11 as originally filed are enclosed on an attached sheet so marked, and copies of amended claims 6 and 11 are enclosed on an attached sheet so marked. In the amended claims, words added have been underlined and words removed have been bracketed.

Statement under Article 19(1)

All the claims of this Application are novel and involve an inventive step in that none of the Documents cited in the International Search Report disclose digital, programmable means for controlling rotation of the machine in addition to controlling the heating and cooling and this limitation is supported throughout the application as filed.

Claim 6 that was previously an independent claim is now dependent on claim 1 and adds the further limitations "means for causing rotation and application of heat within the machine to the chocolate being tempered over extended periods of time; and, means for timing the length of rotation and application of heat".

Claim 11 that was previously an independent claim is now dependent on claim 1 and adds the further limitations " means for selecting the temperature and cycle of heating and cooling of chocolate within the machine to form a recipe; means for storing a plurality of recipes to form a menu; and, means for recalling a recipe from the menu for later use ".

Kindly continue the review of this application in view of this amendment.

Respectfully submitted,

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Attachments – Claims 6 and 11 as filed  
Claims 6 and 11 as amended

I hereby certify that this correspondence is being sent by FedEx International Air Waybill (No. 8328 8054 8196) in an envelope addressed to: International Bureau of WIPO, 34, Chemin des Colombettes, 1211 Geneva 20, Switzerland on April 4, 2005. I further certify that this communication is being faxed to (41-22) 740.14.35 on April 4, 2005.

Joseph L. Spiegel

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Date

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Date: 20 October 2004

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Title: Chocolate Processing Machine

Claims 6 and 11 as Amended

6. The [In a chocolate tempering] machine of Claim 1, including [that includes digital, programmable means for controlling the heating, cooling and rotation within the machine and the timing of same, the improvement comprising:]

means for causing rotation and application of heat within the machine to the chocolate being tempered over extended periods of time; and,

means for timing the length of rotation and application of heat.

11. The [In a chocolate tempering] machine of Claim 1, including [that includes digital, programmable means for controlling the heating, cooling and rotation within the machine and the timing of same, the improvement comprising:]

means for selecting the temperature and cycle of heating and cooling of chocolate within the machine to form a recipe;

means for storing a plurality of recipes to form a menu; and,

means for recalling a recipe from the menu for later use.

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Re: Article 19 Amendment

PCT/US2004/032685

Date: 20 October 2004

International Filing Date:  
05 October 2004

Priority Date:  
22 October 2003

Title: Chocolate Processing Machine

Claims 6 and 11 as Originally Filed

6. In a chocolate tempering machine that includes digital, programmable means for controlling the heating, cooling and rotation within the machine and the timing of same, the improvement comprising:

means for causing rotation and application of heat within the machine to the chocolate being tempered over extended periods of time; and,

means for timing the length of rotation and application of heat.

11. In a chocolate tempering machine that includes digital, programmable means for controlling the heating, cooling and rotation within the machine and the timing of same, the improvement comprising:

means for selecting the temperature and cycle of heating and cooling of chocolate within the machine to form a recipe;

means for storing a plurality of recipes to form a menu; and,

means for recalling a recipe from the menu for later use.